

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL NO. 2:12-CR-66-DBH
)	
WILLIE REMBERT,)	
)	
DEFENDANT)	

PROCEDURAL ORDER ON DEFENDANT’S FILING

Willie E. Rembert has filed a motion for compassionate relief under the First Step Act, 18 U.S.C. § 3582(c)(1)(A) (ECF No. 98). Before I can even consider Rembert’s request, he must satisfy me that 30 days have lapsed since the warden of his prison (here, FCI Jesup) received from him “such a request.” 18 U.S.C. § 3582(c)(1)(A).¹ The judges of this District have found that statutory language to be mandatory. See, e.g., United States v. McIntosh, No. 2:16-cr-100-DBH, 2020 U.S. Dist. LEXIS 93356, at *2 (D. Me. May 28, 2020); United States v. Morgan, No. 1:18-cr-197-LEW (D. Me. May 4, 2020); United States v. Crosby, No. 1:17-cr-123-JAW, 2020 WL 2044727, at *2 (D. Me. Apr. 28, 2020); United States v. Lugo, No. 2:19-cr-56-JAW, 2020 WL 1821010, at *3 (D. Me. Apr. 10, 2020); see also United States v. Alam, No. 20-1298, 2020 WL 2845694, at *1 (6th Cir. June 2, 2020) (“[B]ecause this exhaustion requirement serves valuable

¹ The statute gives the court authority to act on a defendant’s motion for compassionate release after “the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility.” 18 U.S.C. § 3582(c)(1)(A). “Such a request” means a request, received by the warden, that BOP bring a motion for compassionate release on the defendant’s behalf. Id.

purposes (there is no other way to ensure an orderly processing of applications for early release) and because it is mandatory (there is no exception for some compassionate-release requests over others), we must enforce it.”). Rembert’s papers make no mention of any request to the warden.

Accordingly, I **DENY** Rembert’s motion **WITHOUT PREJUDICE**. At this time, I do not express any view on whether Rembert is entitled to any relief. Before I can consider his motion, he must satisfy me that “the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility” has occurred. 18 U.S.C. § 3582(c)(1)(A).

SO ORDERED.

DATED THIS 4TH DAY OF JUNE, 2020

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE